**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

Document # 6

U.S.C.A. # ____________

U.S.D.C. # 08-cv-2119

JUDGE: KMW

DATE: MAR 20, 2008

Morales

-v-

CBR Laboratories, Inc.

U.S. DISTRICT COURT MAR 20 2008 S.D. OF N.Y.

# INDEX TO THE RECORD ON APPEAL

**PREPARED BY (NAME):** THOMAS R. PISARCZYK
**FIRM:** U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
**ADDRESS:** 500 PEARL STREET, ROOM 370
NEW YORK, NEW YORK 10007
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**DISTRICT COURT DOCKET ENTRIES** ----------------------------------------

| DOCUMENT DESCRIPTION | DOC. # |
|---|---|
| CLERK'S CERTIFICATE | |
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| SEE ATTACHED LIST OF NUMBERED DOCUMENTS | |
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( X ) **Original Record** (______) **Supplemental Record**

**The record in the above entitled case was indexed to the U.S.C.A for the Second Circuit on the** 20th **Day of** March**, 2008.**

# UNITED STATES DISTRICT COURT
# SOUTHERN DISTRICT OF NEW YORK

| | |
|---|---|
| Morales | U.S.C.A. # ____ |
| | U.S.D.C. # 08-cv-2119 |
| -v- | JUDGE: KMW |
| CBR Laboratories Inc. | DATE: Mar. 20 2008 |

## Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

| Date Filed | Document Description |
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 20th Day of March In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By ______________________
Deputy Clerk

APPEAL, CLOSED, PRO-SE

**U.S. District Court**
**United States District Court for the Southern District of New York (Foley Square)**
**CIVIL DOCKET FOR CASE #: 1:08-cv-02119-KMW**
**Internal Use Only**

Morales v. CBR Laboratories Inc. et al
Assigned to: Judge Kimba M. Wood
Cause: 42:1983 Civil Rights Act

Date Filed: 03/03/2008
Date Terminated: 03/03/2008
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

| Date Filed | # | Docket Text |
|---|---|---|
| 03/03/2008 | 1 | DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Roberto Morales.(mbe) (Entered: 03/12/2008) |
| 03/03/2008 | 2 | COMPLAINT against CBR Laboratories Inc., David H. Bing, Janice Williamson, Alvine E. Davis, III. Document filed by Roberto Morales.(mbe) (Entered: 03/12/2008) |
| 03/03/2008 | | Magistrate Judge Douglas F. Eaton is so designated. (mbe) (Entered: 03/12/2008) |
| 03/03/2008 | 3 | ORDER OF DISMISSAL, I grant plaintiff's application to proceed in forma pauperis but dismisses the complaint for the following reasons. Plaintiff filed prior actions in this court alleging nearly identical facts and claims against the defendants in this action as well as additional defendants. He alleges that recent affidavits, which he obtain through state court proceedings challenging his convictions and which he attaches to the instant complaint, now demonstrate the validity of his claim.. As explained above, his claims are still barred, despite the inclusion of additional allegations. Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed for failure to state a claim upon which relief may be granted. Pursuant to 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 3/3/2008) (mbe) (Entered: 03/12/2008) |
| 03/03/2008 | 4 | JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 3/3/2008) (mbe) (Entered: 03/12/2008) |
| 03/14/2008 | 5 | NOTICE OF APPEAL from 3 Order Dismissing Complaint (I.F.P.), 4 Judgment - Sua Sponte (Complaint). Document filed by Roberto Morales. (tp) (Entered: 03/20/2008) |
| 03/14/2008 | | Appeal Remark as to 5 Notice of Appeal filed by Roberto Morales. $455.00 APPEAL FEE DUE. IFP REVOKED 3/3/08. (tp) (Entered: 03/20/2008) |
| 03/20/2008 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 03/20/2008) |
| 03/20/2008 | | Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 03/20/2008) |